

Eminent Domain Task Force Meeting
September 1, 2005
State Capitol, Hearing Room 7

The Eminent Domain Task Force meeting was called to order at 10:10 am by Representative Steve Hobbs.

Roll call was conducted by Sherry Fisher. Members present included: Representative Steve Hobbs, Chris Goodson, Gerard Carmody, Senator Chuck Gross, Spencer Thomson, Leslie Holloway, Lewis Mills and Howard Wright. Also in attendance were Chris Roark and Brian Grace. Absent was Terry Jarrett.

Representative Hobbs opened this meeting with a request for the task force members to keep the Jarrett family in their thoughts and prayers during this time of family illness.

Minutes of the previous meeting were reviewed. Motion made by Chris Goodson, seconded and approved to accept the minutes of the August 18, 2005 meeting as submitted.

The Task Force members broke into break-out sessions to cover urban, rural, procedural and legislative issues pertaining to eminent domain.

The following is a combined list of issues the task force will explore:

1. Notification of landowners
 - More transparency
 - Earlier
 - More widely
 - Simultaneous notification, not piecemeal
 - (Exception: initial scope projects)
2. Alternate routes or sites
3. Limits on term length / Sunset provision
4. Landowner Bill of Rights
 - Reversion to original owner
5. Fair market value
6. Just compensation/loss of income
 - Q: instructing to commissioners v. statute?
7. Relocation costs, attorney fees and cost of condemnation
8. Ongoing, periodic payments based on reassessment of property value
 - Q: or based on profit?
9. Uniform instructions to commissioners
10. Selection of commissioners; guidelines to judges
11. Abandoned easement property
 - If no plans for use, then reverts to current landowner

12. Use by another entity – transfer ability of easements
 - Private transfer to another private entity (i.e. power → telecom)
 - Marketing of condemned property
13. Taxable event → improvement of property
14. Assessed value → increased taxes
15. Definition of blight
 - Exclude farmland without infrastructure
16. Low-ball clause
 - Penalty for law-balling?
17. Replacement value
18. Decisive deadline
 - Accept or reject within 30 days of first “official” offer
19. Fixed formula
 - i.e. 3 times assessed value?
20. Appeals
 - Delay of possession of property by condemning entity until appeals settled
 - Appeal to PSC or AHC or STC
21. Five year statute for damage claims
22. Foot print of expanded infrastructure
23. Commission compensation
24. Political subdivisions
 - Who has eminent domain, who needs it?
 - Mandatory mediation
 - Review of eminent domain decisions
 - Eminent domain for elected bodies only
25. Public use definition
26. Delegation of eminent domain power both to private and public entities
27. Judicial review and oversight
28. Blighting cornfields in suburbs
29. Mandatory mediation – before condemnation
30. Length limits on term (automatic termination date)
31. Damages through blight
32. Need for interlocutory appeals

It was decided by the Task Force members that the next two meetings scheduled for September 15th and September 29th be dedicated to exploring these issues for recommendations to the Governor. Guests may be invited to these meetings to offer pros and cons on the issues.

Chairman Terry Jarrett will select the issues to be covered at each of these meetings and post them on the Governor’s web-site.

The next meeting will be held September 15, 2005 at 10:00 am in the State Capitol, House Hearing Room 7. Representative Hobbs adjourned the meeting at 2:40 p.m.